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EXTRAORDINARY

PART II—Section 1

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## MINISTRY OF LAW

*New Delhi, the 27th April, 1957*

### THE INDUSTRIAL DISPUTES (AMENDMENT) ORDINANCE, 1957

No. 4 OF 1957

Promulgated by the President in the Eighth Year of the Republic of India.

An Ordinance further to amend the Industrial Disputes Act, 1947.

WHEREAS Parliament is not in session and the President is satisfied that circumstances exist which render it necessary for him to take immediate action;

NOW, THEREFORE, in exercise of the powers conferred by clause (1) of article 123 of the Constitution, the President is pleased to promulgate the following Ordinance:—

1. (1) This Ordinance may be called the Industrial Disputes (Amendment) Ordinance, 1957. Short title and commencement.

(2) It shall be deemed to have come into force on the 1st day of December, 1956.

14 of 1947. 2. During the period of operation of this Ordinance, the Industrial Disputes Act, 1947, shall have effect as if for section 25FF, the following sections had been substituted, namely:— Substitution of new sections for section 25FF.

“25 FF. Where the ownership or management of an undertaking is transferred, whether by agreement or by operation of law, from the employer in relation to that undertaking to a Compensation to workmen in case of transfer of undertakings.

new employer, every workman who has been in continuous service for not less than one year in that undertaking, immediately before such transfer, shall be entitled to notice and compensation in accordance with the provisions of section 25 F, as if the workman had been retrenched:

Provided that nothing in this section shall apply to a workman in any case where there has been a change of employers by reason of the transfer, if—

(a) the service of the workman has not been interrupted by such transfer;

(b) the terms and conditions of service applicable to the workman after such transfer are not in any way less favourable to the workman than those applicable to him immediately before the transfer; and

(c) the new employer is, under the terms of the transfer or otherwise, legally liable to pay to the workman, in the event of his retrenchment, compensation on the basis that his service has been continuous and has not been interrupted by the transfer.

Compensation to workmen in case of closing down of undertakings.

25 FFF. (1) Where an undertaking is closed down for any reason whatsoever, every workman who has been in continuous service for not less than one year in that undertaking immediately before such closure shall, subject to the provisions of sub-section (2), be entitled to notice and compensation in accordance with the provisions of section 25 F, as if the workman had been retrenched:

Provided that where the undertaking is closed down on account of unavoidable circumstances beyond the control of the employer, the total compensation to be paid to the workman shall not exceed his average pay for three months.

(2) Where any undertaking set up for the construction of buildings, bridges, roads, canals, dams or other construction works is closed down on account of the completion of the work within two years from the date on which the undertaking had been set up, no workman employed therein shall be entitled to any compensation under sub-section (1), but if the construction

work is not so completed within two years, he shall be entitled to compensation under that sub-section for every completed year of service or any part thereof in excess of six months, excluding therefrom the first two years of his service in that undertaking."

RAJENDRA PRASAD,  
*President.*

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G. R. RAJAGOPAUL,  
*Addl. Secy. to the Govt. of India.*

